

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEITH MELVILLE,

Plaintiff,

-against-

MRS. BRABRA FIALO,

Defendant.

19-CV-10919 (CM)

BAR ORDER UNDER
28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, appearing *pro se*, filed this action seeking to proceed *in forma pauperis* (IFP). The Court, by order dated July 11, 2018, previously warned Plaintiff that further duplicative or frivolous litigation in this Court would result in an order barring him from filing new actions IFP without prior permission. On December 23, 2019, the Court dismissed this action as frivolous, and, in light of Plaintiff's litigation history, ordered Plaintiff to show cause within thirty days why he should not be barred from filing further actions IFP in this Court without prior permission. Plaintiff has not responded to the Court's December 23, 2019 order.¹

CONCLUSION

The Court bars Plaintiff from filing future civil actions IFP in this Court without first obtaining from the Court leave to file. *See* 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this Court. If Plaintiff violates this order and files an action without filing a motion for leave to file, the Court will dismiss the action for failure to comply with this order.

¹ On December 26, 2019, Plaintiff filed a new action in this Court, and on January 17, 2020, the Court dismissed that action for lack of subject matter jurisdiction. *See Melville v. Jiha*, ECF 1:19-CV-11903, 5 (S.D.N.Y. Jan. 17, 2020).

The Clerk is directed to close this action.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal.

Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 27, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge